

REMARKS/ARGUMENTS

The Office has required election of a single species from the following group:

- I.     a – acyclic hydrocarbon
- b – cyclic hydrocarbon
- c – aromatic hydrocarbon
- II     a – heptane
- b – cyclohexane; ethylcyclohexane
- c – toluene;xylene

Applicants have provisionally elected species Ic – aromatic hydrocarbon. The election requirement is traversed for the following reason:

For restriction to be proper, a burden must be placed on the office in examining all the claims.

The MPEP states:

“If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the Examiner must examine all claims on the merits ...”. (MPEP 803.02)

Further “when the Markush group occurs in a claim reciting a process or a combination (not a single compound), it is sufficient if the members of the group are disclosed in the specification to possess at least one property in common which is mainly responsible for their function in the claimed relationship, and it is clear from their very nature or from the prior art that all of them possess this property.” (MPEP 803.02)

Applicants respectfully submit that the species identified for election by the Office are members of Markush groups cited in process Claims depending from Claim 2 and Claim 1 through Claim 2. The species listed are limitations defining the solvent of Claim 2. The

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function of being a solvent as claimed is the common property necessary for their function in the claimed process.


Therefore in searching the process of Claims 1 and 2, the Examiner will necessarily search all these species and a serious burden would not be imposed.

Based on the arguments presented, Applicants respectfully request that the Requirement for Election of Species be withdrawn.

Applicants submit that the above identified application is now in condition for examination on the merits, and an early notice of such action is solicited.

Respectfully submitted,

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